THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.27083 OF 2003

DATED: 11-7-2007

Between:

S. Pandu and another.

.. Petitioners

and

District Panchayat Officer, Mahboobnagar District and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.27083 OF 2003

ORDER:

This writ petition is filed seeking a mandamus declaring the impugned proceedings No.A3/2208/2003, dated 21.06.2003, issued by the 1st respondent as arbitrary and illegal.

It appears, when the application filed by the 4th and 5th respondents to the Gram Panchayat, Pedda Kothapalli seeking permission for making construction in a particular land was rejected by the 2nd respondent on the ground that there was objection from the petitioners herein and there were disputes in between the parties with regard to the title of the land in question, they preferred an appeal before the 1st respondent. The 1st respondent, on the ground that the petitioners have not produced any documents in proof of title, issued the impugned proceedings, dated 21.06.2003, directing the respondents 2 and 3 to accord permission to the 4th and 5th respondents as per Section 121 of Andhra Pradesh Panchayat Raj Act, 1994, and as per the plan submitted by the 4th and 5th respondents in the Gram Panchayat office.

According to the learned counsel for the petitioners, though the petitioners raised certain objections as to the ownership of the land on which construction was sought to be made by the 4th and 5th respondents, which were taken into account by the 2nd respondent, the

same were not taken into consideration by the District Panchayat Officer and he simply brushed aside the same and passed the impugned proceedings.

Be that as it may, it is stated that for the same cause of action, the petitioners filed a suit, being O.S.No.7 of 2003, on the file of the learned Junior Civil Judge, Kollapur seeking perpetual injunction against the 4th and 5th respondents and the same is pending.

In view of the fact that the dispute is as to the title of the land on which the construction was sought to be made, I am of the opinion that the petitioners rightly approached the Civil Court to work out their remedies. In view of the same, nothing survives for adjudication in this writ petition and the same is liable to be closed.

Accordingly, the writ petition is closed. There shall be no order as to costs.

C.V. RAMULU, J

11th July, 2007.
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